

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

YAZAN MUSLEH and HUDA MUSLEH,

Plaintiffs,

v.

Case No. 12-13843

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

**ORDER DIRECTING DEFENDANT TO SUBMIT A RESPONSE TO
PLAINTIFFS' MOTION FOR RECONSIDERATION**

In December 2010, the court granted summary judgment in favor of Defendant and dismissed Plaintiffs' breach of contract claim without prejudice. The court found that Plaintiffs had failed to provide Defendant with the documents necessary to process Plaintiffs' insurance claim but gave Plaintiffs a second chance to submit such documentation as Plaintiffs' non-compliance with the insurance policy was not willful. Following the court's dismissal, Plaintiffs did not provide Defendant with any further documentation. On November 13, 2012, the court granted Defendant's motion for summary judgment after finding that the statute of limitations had expired on Plaintiffs' breach of contract claim.

Plaintiffs timely moved for reconsideration. Plaintiffs allege that Defendant, on November 3, 2010, received the documents necessary to process their insurance claim. To support this argument, Plaintiffs have submitted a new affidavit from their accountant, Jakir Hussain, dated November 20, 2012, that claims Defendant picked up

the requested documents at Hussain's office. Therefore, Plaintiffs argue that their breach of contract claim is not time-barred because the statute of limitations was tolled on November 3, 2010. Plaintiffs have never before claimed in their responses to either of Defendant's summary judgment motions that Defendant had received all of the necessary documentation as of November 3, 2010.

Plaintiffs' motion for reconsideration concerns whether on November 3, 2010, Defendant received the documents required to process Plaintiffs' insurance claim. A response from Defendant is therefore warranted. Accordingly,

IT IS ORDERED that Defendant is DIRECTED to submit a response to Plaintiffs' motion for reconsideration [Dkt. # 12] by **February 6, 2013**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 17, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 17, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522